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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 PATRICIA A. McCOLM,
9 Plaintiff,
10 v.
11 FOREMOST INSURANCE COMPANY,
12 Defendant.

No. C-09-4132 SI (EMC)

**ORDER DENYING PL.
EMERGENCY MOTION
EXTENSION**

(Docket No. 162)

**ORDER DENYING PLAINTIFF'S
EMERGENCY MOTION FOR 15-DAY
EXTENSION**

16 On April 28, 2011, this Court issued an order compelling Plaintiff to provide responses to
17 written discovery and to produce documents by May 11, 2011. *See* Docket No. 157 (order). On
18 May 10, 2011 – *i.e.*, the day before the discovery was due – Plaintiff filed the currently pending
19 motion, in which she seeks an extension of time (15 days) to provide the discovery ordered.
20 According to Plaintiff, there is good cause for an extension because she is unable to meet the
21 deadline since she has “priority matters going out for jury trial on May 10, 2011 in the Trinity
22 County Superior Court.” Mot. at 1. Defendant opposes the request for an extension.

Having considered the papers submitted, the Court hereby **DENIES** Plaintiff's request for relief. As a preliminary matter, the Court notes that Plaintiff delayed in seeking relief; arguably, the relief requested should be denied on that basis alone. Furthermore, while the Court is not unsympathetic to the fact that Plaintiff is involved in another lawsuit, that does not mean that this litigation should take a backseat as a result. This case cannot be delayed, having been set for a trial in August 2011. Finally, the relief sought by Plaintiff would contravene the deadlines set by the

1 assigned Judge. Judge Illston recently ordered that Plaintiff's deposition take place on May 19,
2 2011, and emphasized that there would be no extension for this deadline. She also stated that, with
3 one exception, she therefore expected that all discovery would be completed by May 19. *See* Docket
4 No. 160 (order). Under Plaintiff's proposed schedule, she would not have to provide discovery to
5 Defendant until after her deposition has been taken (even though Defendant needs such discovery
6 for the deposition), and the discovery would not be completed until after May 19.

7 Accordingly, Plaintiff's motion for an extension of time is denied.

8 IT IS SO ORDERED.

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10 Dated: May 11, 2011


11 EDWARD M. CHEN
12 United States Magistrate Judge

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA McCOLM,
Plaintiff,

v.
FOREMOST INSURANCE COMPANY,
Defendant.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Patricia A. McColm
P.O. Box 113
Lewiston, CA 96052 (Also by fax)

Dated: May 11, 2011

RICHARD W. WIEKING, CLERK

By: 

Betty Lee
Deputy Clerk